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*Attorneys for Intervenor-Defendants
DSCC, DCCC, and Montana Democratic
Party*

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
HELENA DIVISION

DONALD J. TRUMP FOR
PRESIDENT, INC.; REPUBLICAN
NATIONAL COMMITTEE;
NATIONAL REPUBLICAN
SENATORIAL COMMITTEE;
MONTANA REPUBLICAN STATE
CENTRAL COMMITTEE,

Plaintiffs,

and

GREG HERTZ, in his official capacity
as Speaker of the House of
Representatives of Montana; SCOTT
SALES, in his official capacity as
President of the Montana State Senate,

Case No.: 6:20-cv-00066-DLC

**INTERVENOR-DEFENDANTS'
CONSOLIDATED MOTION
FOR JUDGMENT ON THE
PLEADINGS AND MOTION TO
DISMISS**

Intervenor-
Plaintiffs,

v.

STEPHEN BULLOCK, in his official capacity as Governor of Montana;
COREY STAPLETON, in his official capacity as Secretary of State of Montana,

Defendants,

and

DSCC; DCCC; MONTANA DEMOCRATIC PARTY,

Intervenor-
Defendants.

MOTION

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(c), Intervenor-Defendants move for judgment on the pleadings as to the Complaint filed by Plaintiffs, *see* ECF No. 1, and to dismiss the Complaint filed by Intervenor-Plaintiffs, *see* ECF No. 38. Given the substantial overlap between the allegations and causes of action asserted in Plaintiffs' and Intervenor-Plaintiffs' Complaints, and that the same standard of review applies to both motions to dismiss and motions for judgment on the pleadings, *see United States ex rel. Cafasso v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1054 n.4 (9th Cir. 2011), Intervenor-Defendants have

consolidated their arguments into a single Motion. This Consolidated Motion is supported by Intervenor-Defendants' Brief in Support of Consolidated Motion for Judgment on the Pleadings and Motion to Dismiss.

Intervenor-Defendants contend that the Eleventh Amendment bars Counts I and II of the Complaints, that neither Plaintiffs nor Intervenor-Plaintiffs have standing to assert these claims, and that these claims fail as a matter of law because Defendants have acted consistently with Montana law. Intervenor-Defendants further assert that Plaintiffs and Intervenor-Plaintiffs lack standing to bring Count III and that the claim relies on a noncognizable legal theory. Each Complaint should therefore be dismissed in its entirety.

Pursuant to Local Rule 7.1(c)(1), counsel for Intervenor-Defendants has conferred with counsel for Plaintiffs, Intervenor-Plaintiffs, and Defendants. Plaintiffs object to this motion, and Defendant Stephen Bullock does not object. Counsel for Intervenor-Defendants has not received a response from Intervenor-Plaintiffs or Defendant Corey Stapleton.

DATED this 17th day of September, 2020

By: /s/ Abha Khanna
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on counsel of record in this matter via the Court's ECF system.

DATED this 17th day of September, 2020

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